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**VAN PELT, YI & JAMES LLP AND EMC CORPORATION  
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CUPERTINO, CA 95014**

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DEC 04 2008**

In re Application of :  
Bobbitt et al. :  
Application No. 09/694,071 : DECISION ON PETITION  
Filed: October 19, 2000 :  
Attorney Docket No. LEGAP060 :  
:

This is a decision in response to a communication filed November 10, 2008, requesting consideration of a petition under the unintentional provisions of 37 CFR 1.137(b), filed February 7, 2006. The petition filed February 7, 2006 is not of record in the official file; however, the evidence is convincing the petition was filed on February 7, 2006, and subsequently lost in the Office. Accordingly, a decision on the petition follows.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 29, 2005, as required by the Notice of Allowance and Fee(s) Due mailed June 29, 2005. Accordingly, the application became abandoned on September 30, 2005. A Notice of Abandonment was mailed November 16, 2005. On February 7, 2006, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,400; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay.

It is noted that applicant is no longer claiming status as a small entity. Therefore, status as a small entity has been removed.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571)272-6059.

This application is being referred to the Office of Data Management for processing into a patent.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions